

Freedom Court Reporting, Inc**1**

1 IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF TEXAS
 2 MARSHALL DIVISION

3 PATTY BEALL, MATTHEW)
 MAXWELL, DAVID GRAVLEY,)
 4 TALINA MCELHANY, KELLY)
 HAMPTON, KEVIN TULLOS,)
 5 CASEY BROWN, JASON BONNER,)
 ANTHONY DODD, ILENE)
 6 MEYERS, TOM O'HAVER, JOY)
 BIBLES, DON LOCCHI AND)
 7 MELISSA PASTOR,)
 Individually and on behalf) CIVIL ACTION
 8 of all others similarly)
 situated,) NO.: 2:08-CV-422 TJW
 9)
 PLAINTIFFS,)
 10)
 VS.)
 11)
)
 12 TYLER TECHNOLOGIES, INC.)
 AND EDP ENTERPRISES, INC.,)
 13)
 DEFENDANTS.)

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ORAL DEPOSITION OF

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MELANIE BAIRD

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APRIL 26, 2010

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ORAL DEPOSITION OF MELANIE BAIRD, produced as a witness at the instance of the DEFENDANTS, and duly sworn, was taken in the above-styled and numbered cause on the 26th day of April, 2010, from 1:22 p.m. to 4:30 p.m., before Elaine Fowler, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Cathy Sosebee & Associates, 901 Mac Davis Lane, Lubbock, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

367 Valley Avenue Birmingham, Alabama (877) 373-3660**EXHIBIT 40**

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1 Q. So when you are on-site training a client you
2 are actually sitting beside or near the user on their
3 computer screen showing them?

4 A. Yes.

5 Q. And when you are doing it by phone, are you
6 logged onto the client's computer to show them this? I
7 am trying to envision how you actually trained when you
8 are remote.

9 A. When we had the opportunity to do it, we would
10 connect to their computers. Sometimes they would have
11 IT stuff that would not let us do that.

12 Q. So when you were not able to remote in, how did
13 you train them by phone?

14 A. I would actually have their screen pulled up on
15 my screen and just say, you know, in the upper
16 right-hand corner you see this, you know, if you look
17 below that you see this and if you look to the left you
18 see that, just guide them the best you could.

19 Q. What training did Tyler Technologies provide
20 for you in the beginning when you first became an
21 implementation specialist?

22 A. None.

23 Q. How did you know how to do your job as an
24 implementation specialist when you first became one?

25 A. I learned as I went. They would give me a task

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1 and I would just have to learn how to do it.

2 Q. So day one when you first became an
3 implementation specialist, did somebody send you to a
4 client site and say, Ms. Baird, go and train them on --
5 name a software, I don't know, INCODE -- is that how it
6 happened?

7 A. No.

8 Q. Okay. So what was done by Tyler to prepare you
9 for your first trip out to a client's site to be able to
10 train them?

11 A. I waited -- I didn't have any formal training.

12 Q. And I am not limiting my question to any formal
13 training. Me, Farin Khosravi, sitting here today, I am
14 trying to understand how you did your job as an
15 implementation specialist with not having any
16 background. So when you went in as an implementation
17 specialist, did you already have an understanding of how
18 INCODE functioned?

19 A. Functioned in which way?

20 Q. Functioned in any way. Were you familiar with
21 INCODE from previous jobs, from previous training, from
22 previous positions you had with the company?

23 A. I mean, I knew how the software worked from
24 working in support.

25 Q. Let's go back to that then. Before you became

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1 became an implementation specialist?

2 A. Yes.

3 Q. Were you ever sent to a client's site with
4 other implementations specialists to kind of learn what
5 to do as a specialist?

6 A. No.

7 Q. Any other training you received before you went
8 out to the job site to teach other clients -- or train
9 them?

10 A. On the Audiotel software, I actually traveled
11 to their company to receive training on their software.

12 Q. And Audiotel was an old software from which
13 your clients were trying to convert to INCODE?

14 A. No. That was that check reading software I was
15 explaining earlier.

16 Q. And was Tyler selling that to clients? I am
17 trying to understand who did what.

18 A. Yes, Tyler sold that to clients. They were
19 partnered with that company.

20 Q. I see. So Audiotel was one software. INCODE
21 was another software?

22 A. Uh-huh.

23 Q. Any other software you were involved in
24 training customers with?

25 A. I took training for Laserfiche, but I did not

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15 REPORTER'S CERTIFICATION

16 DEPOSITION OF MELANIE BAIRD

17 APRIL 26, 2010

18 I, Elaine Fowler, Certified Shorthand Reporter in
 19 and for the State of Texas, hereby certify to the
 20 following:

21 That the witness, MELANIE BAIRD, was duly sworn by
 22 the officer and that the transcript of the oral
 23 deposition is a true record of the testimony given by
 24 the witness;

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1 That the deposition transcript was submitted on
2 May 7, 2010 to the witness or to the attorney for the
3 witness for examination, signature and return to me by
4 _____;

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6 That the amount of time used by each party at the
7 deposition is as follows:

8 MS. FARIN KHOSRAVI - 2 hours 51 minutes

9 MS. CHANDRA HOLMES RAY - 7 minutes

10 That pursuant to information given to the
11 deposition officer at the time said testimony was taken,
12 the following includes counsel for all parties of
13 record:

14 MS. CHANDRA L. HOLMES RAY, Attorney for Plaintiffs

15 MS. FARIN KHOSRAVI, Attorney for Defendants

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17 That \$_____ is the deposition officer's
18 charges to the Defendants for preparing the original
19 deposition transcript and any copies of exhibits;

20

21 I further certify that I am neither counsel for,
22 related to, nor employed by any of the parties or
23 attorneys in the action in which this proceeding was
24 taken, and further that I am not financially or
25 otherwise interested in the outcome of the action.

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EXHIBIT 40

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1 Certified to by me this 7th day of May, 2010.

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ELAINE FOWLER, CSR, No. 5881

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Expiration Date: 12/31/2011

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